

actions which do not individually or cumulatively have a significant effect on the human environment. Categorical exclusions are not the equivalent of statutory exemptions. If exceptions to categorical exclusions apply, under 516 DM 2, Appendix 2 of the Departmental Manual, the departmental categorical exclusions cannot be used. Among the types of actions available for a Categorical Exclusion is for a "low effect" HCP/incidental take permit application. A "low effect" HCP is defined as an application that, individually or cumulatively, has a minor or negligible effect on the species covered in the HCP [Section 1.4(C)(2)].

The Service may consider the Applicant's project and HCP such a Categorical Exclusion. The Service is soliciting for public comments on this determination. Based upon public comments, the Service may make a final determination that this action is categorically excluded.

The Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.
2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has minimized impacts on the project site to the extent practicable.

4. Other than impacts to the threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: September 25, 1997.

**Judy L. Jones,**

*Acting Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Marine Mammals

On July 24, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 142, Page 39854, that an application had been filed with the Fish and Wildlife Service by Maurice Sterner, Spring Grove, PA for a permit (PRT-832102) to import a sport-hunted polar bear (*Ursus maritimus*) trophy,

taken from the Baffin Bay population, Northwest Territories, Canada for personal use.

Notice is hereby given that on September 17, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 430, Arlington, Virginia 22203. Phone (703) 358-2104 or Fax (703) 358-2281.

Dated: September 26, 1997.

**Karen Anderson,**

*Acting Chief, Branch of Permits, Office of Management Authority.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Operation and Maintenance Rate Adjustment: Fort Belknap Irrigation Project, Montana

**ACTION:** Notice of proposed irrigation operation and maintenance (O&M) rate adjustment.

**SUMMARY:** The Bureau of Indian Affairs proposes to change the assessment rates for operating and maintaining the Fort Belknap Irrigation Project for 1998, 1999, 2000, 2001, 2002 and subsequent years. The following table illustrates the impact of the rate adjustment.

#### FORT BELKNAP IRRIGATION PROJECT; IRRIGATION RATE PER ASSESSABLE ACRE

[N/A—Not Applicable]

Year	Present 1997	Proposed 1998	Proposed 1999	Proposed 2000	Proposed 2001	Proposed 2002
Non-Indian .....	\$12.50	N/A	N/A	N/A	N/A	N/A
Indian .....	6.25	N/A	N/A	N/A	N/A	N/A
Rate (all) .....	N/A	\$12.50	\$13.00	\$13.50	\$14.00	\$14.50

**FOR FURTHER INFORMATION CONTACT:** Area Director, Bureau of Indian Affairs, Billings Area Office, 316 North 26th Street, Billings, Montana 59101-1362, telephone (406) 247-7998.

**DATES:** Interested parties may submit comments on the proposed rate adjustment. Comments must be

submitted on or before November 3, 1997.

**ADDRESSES:** All comments concerning the proposed rate change must be in writing and addressed to: Director, Office of Trust Responsibilities, Attn: Irrigation and Power, MS#4513-MIB, Code 210, 1849 "C" Street, NW,

Washington, D.C. 20240, Telephone (202) 208-5480.

**SUPPLEMENTARY INFORMATION:** The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary-Indian Affairs